

## MEMO ENDORSED

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October 7, 2011

**BY FAX**

Honorable P. Kevin Castel  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007-1312  
Fax: (212)805-7949

**Bayer HealthCare LLC v. Cipla Ltd., 11 Civ. 6347 (PKC)**

Dear Judge Castel:

We represent plaintiff ("Bayer") in the above-referenced action. We write to advise the Court that Bayer and defendant Cipla Ltd. ("Cipla") are continuing to discuss a possible resolution to Bayer's claims against Cipla, and believe it would facilitate those discussions to extend Cipla's time to serve its answer to Bayer's complaint and to extend further Cipla's time to serve its opposition to Bayer's motion for a preliminary injunction. As explained in my letter of September 29, Cipla does not wish to submit a stipulation signed by both Bayer's and Cipla's counsel because Cipla does not want to prejudice any defenses it may argue based on lack of personal jurisdiction or on service of process.

Accordingly, we respectfully request (with Cipla's consent) that Your Honor enter an order extending Cipla's time to serve its answer to Bayer's complaint and its opposition, if any, to Bayer's motion for a preliminary injunction from October 7, 2011 to October 12, 2011, and extending the deadline for any reply brief from October 14, 2011 to October 19, 2011. This is Bayer's second request for an extension of these deadlines. We are not requesting an extension of time for the other defendants to serve their answers or their oppositions to Bayer's motion for a preliminary injunction.

Thank you for your attention to this matter.

Respectfully yours,



David H. Bernstein

cc: Parties on attached service list

*Amended  
Spent  
SO ORDERED  
JH  
USDS  
10-7-11*